

BC's *Health Professions Act (the Act)* sets out the framework for regulating designated health professions, including midwifery, in British Columbia. The regulation of midwifery is further described in the *Midwives Regulation* and the *Bylaws for the College of Midwives of BC*. HPA Part 3 taken from *the Act* below (current to May 2, 2007) describes how regulatory College must address complaints about professional practice. A complete copy of the *Health Professions Act* can be found at http://www.qp.gov.bc.ca/statreg/stat/H/96183_01.htm

Following this excerpt from the legislation is the College's information sheet for registrants on the Inquiry and Discipline processes.

Health Professions Act [RSBC 1996] CHAPTER 183

Part 3 — Inspections, Inquiries and Discipline

Definitions for Part

- 26 In this Part:
- "**professional misconduct**" includes sexual misconduct, infamous conduct and conduct unbecoming a member of the health profession;
 - "**registrant**" includes a former registrant, and a non-registrant or former non-registrant to whom this Part applies;
 - "**serious matter**" means a matter which, if admitted or proven following an investigation under this Part, would ordinarily result in an order being made under section 39 (2) (b) to (e);
 - "**unprofessional conduct**" includes professional misconduct.

Inspectors

- 27 (1) The inquiry committee may appoint persons as inspectors for the college.
(2) The registrar is an inspector.

Powers and duties of inspectors

- 28 (1) During regular business hours, an inspector may investigate, inquire into, inspect, observe or examine one or more of the following without a court order:
- (a) the premises, the equipment and the materials used by a registrant to practice the designated health profession;
 - (b) the records of the registrant relating to the registrant's practice of the designated health profession and may copy those records;
 - (c) the practice of the designated health profession performed by or under the supervision of the registrant.
- (2) The inquiry committee may direct an inspector to act under subsection (1) or undertake any aspect of an investigation under section 33.
- (3) If an inspector acts under this section as a consequence of a direction given under subsection (2), the inspector must report the results of those actions in writing to the inquiry committee.

Search and seizure under court order

- 29 (1) A person authorized by the inquiry committee may apply to the Supreme Court for an order that authorizes a person named in the order
- (a) to enter into the premises or land of the person named in the order at any reasonable time and conduct an inspection, examination or analysis,

- (b) to require the production of any record, property, assets or things and to inspect, examine or analyze them, and
 - (c) on giving a receipt, to seize and remove any record, property, assets or things inspected, examined or analyzed under paragraph (a) or (b) for further inspection, examination or analysis.
- (2) Unless the court otherwise directs, an application under subsection (1) may be made without notice to any person and may be heard in private.
 - (3) On application under subsection (1), the court may make an order under this section if satisfied on oath that there are reasonable grounds for believing that evidence may be found
 - (a) that a person who is not a registrant has contravened this Act, the regulations or the bylaws, or
 - (b) that a person who is a registrant
 - (i) has contravened this Act, the regulations or the bylaws,
 - (ii) has failed to comply with a limit or condition imposed under this Act, the regulations or the bylaws,
 - (iii) has acted in a manner that constitutes professional misconduct,
 - (iv) is not competent to practice the designated health profession, or
 - (v) is suffering from a physical or mental ailment, an emotional disturbance or an addiction to alcohol or drugs that impairs the person's ability to practice the designated health profession.
 - (4) In an order under this section, the court
 - (a) must identify the premises or land to be entered and must generally describe any thing to be searched for and examined, audited or seized,
 - (b) may include any limitations or conditions the court considers proper including the time of entry, the disposition of things seized and the access by any person to the things seized, and
 - (c) may direct that section 30 does not apply to a thing specified in the order
 - (i) if all limitations and conditions included under paragraph (b) are met, and
 - (ii) unless, within 21 days of the seizure of the thing, a person who owned or controlled the thing at the time of the seizure requests by registered mail addressed to the inquiry committee that section 30 apply to the thing seized.
 - (5) A person who, while conducting or attempting to conduct an entry or search under this section, finds any thing not described in the order that the person believes on reasonable grounds will provide evidence in respect of a contravention of this Act, the regulations or the bylaws may seize and remove that thing.

Detention of things seized

- 30** (1) For the purposes of subsection (2), the person who makes a seizure under section 29 must report the seizure as soon as practicable to a judge of the Supreme Court, who must be the judge who issued the order under which the seizure was made unless this is not practicable.
- (2) On receiving a report under subsection (1), the judge must
 - (a) order the thing that was seized returned to its owner or other person entitled to it unless satisfied that an order under paragraph (b) should be made, or
 - (b) order the thing detained if satisfied that the detention is required for the purposes of this Act.

- (3) An inspector may make one or more copies of any record detained under subsection (2).
- (4) A document purporting to be certified by a representative of the inquiry committee to be a true copy made under the authority of subsection (3) is evidence of the nature and content of the original document.
- (5) Subject to an order under section 29 (4) (b), the person from whom any thing is seized under this section or the owner of the thing, if he or she is a different person, is entitled to inspect that thing at any reasonable time and, in the case of a record, to obtain one copy of the record at the expense of the board.
- (6) A record must not be detained under this section for a period longer than 3 months from the time of its seizure unless, before the expiration of the period, either
 - (a) the person from whom it was seized agrees to its continued detention, or
 - (b) the Supreme Court, on application and after being satisfied that its continued detention is justified, orders its continued detention for a specified period of time.

Prohibition against obstructing inspection or search

- 31** (1) A person must not obstruct an inspector in the lawful performance of duties or the lawful exercise of powers under this Act, the regulations or the bylaws.
- (2) A person must not obstruct a person acting under section 29 or 30 or under an order made under those sections.

Complaints to be made to registrar for delivery

- 32** (1) A person who wishes to make a complaint against a registrant must deliver the complaint in writing to the registrar.
- (2) As soon as practicable after receiving a complaint, the registrar must deliver to the inquiry committee a copy of the complaint, an assessment of the complaint and any recommendations of the registrar for the disposition of the complaint.
- (3) Despite subsection (2), the registrar, if authorized by the board, may dismiss a complaint, or request that the registrant act as described in section 36 (1), without reference to the inquiry committee if the registrar determines that the complaint
 - (a) is trivial, frivolous, vexatious, or made in bad faith,
 - (b) does not contain allegations that, if admitted or proven, would constitute a matter subject to investigation by the inquiry committee under section 33 (4), or
 - (c) contains allegations that, if admitted or proven, would constitute a matter, other than a serious matter, subject to investigation by the inquiry committee under section 33 (4).
- (4) If a complaint is disposed of under subsection (3), the registrar must deliver a written report to the inquiry committee about the circumstances of the disposition.
- (5) A disposition under subsection (3) takes effect 30 days after the delivery of the written report described under subsection (4) unless, within that 30 day period, the inquiry committee gives the registrar written direction to proceed under subsection (2).

Definition for sections 32.2 and 32.3

- 32.1** In sections 32.2 and 32.3, "**other person**" means a person who is a registrant in one of the colleges and is believed to be

- (a) not competent to practice the designated health profession, or
- (b) suffering from a physical or mental ailment, an emotional disturbance or an addiction to alcohol or drugs that impairs his or her ability to practice the designated health profession.

Duty to report registrant

- 32.2** (1) A registrant must report in writing to the registrar of an other person's college if the registrant, on reasonable and probable grounds, believes that the continued practice of a designated health profession by the other person might constitute a danger to the public.
- (2) If a person
- (a) terminates the employment of an other person,
 - (b) revokes, suspends or imposes restrictions on the privileges of an other person, or
 - (c) dissolves a partnership or association with an other person based on a belief described in subsection (1), the person must report this in writing to the registrar of the other person's college.
- (3) If a person intended to act as described in subsection (2) (a), (b) or (c) but the other person resigned, relinquished their privileges or dissolved the partnership or association before the person acted, the person must report this in writing to the registrar of that other person's college.
- (4) On receiving a report under subsection (1), (2) or (3), the registrar must
- (a) act under section 32 (2) as though the registrar had received a complaint under section 32 (1), or
 - (b) with the prior approval of the inquiry committee, enter into an agreement with the other person
 - (i) to set limits or conditions on the practice of the designated health profession by the other person, or
 - (ii) to suspend the registration of the other person in order that continued practice by the other person does not constitute a danger to the public.
- (5) Subject to the registrar's approval, the other person, if ordered under this section to cease or restrict practice as a registrant of the college, may employ another registrant of the college to carry on the practice.

Duty to report respecting hospitalized registrant

- 32.3** (1) If an other person is a registrant in a college prescribed for the purposes of this section and because of admission to a hospital or a private hospital as defined in the *Hospital Act*, for psychiatric care or treatment, or for treatment for addiction to alcohol or drugs the other person is unable to practice, the chief administrative officer of the hospital, or someone acting in that capacity, and the medical practitioner who has the care of the other person must promptly report the admission in writing to the registrar of the other person's college.
- (2) The medical practitioner who has care of the other person must, no later than the date of that other person's discharge from the hospital, provide the registrar of the other person's college with a written report of the diagnosis, particulars of treatment, prognosis and an opinion as to whether the other person is fit to continue to practice the other person's health profession.
- (3) On receipt of the report, or if the registrar does not receive a report within one week of the other person's discharge but is informed of the discharge, the registrar must

- (a) act under section 32 (2) as though the registrar has received a complaint under section 32 (1), or
- (b) with the prior approval of the inquiry committee, enter into an agreement with the other person
 - (i) to set limits or conditions on the practice of the designated health profession by the other person, or
 - (ii) to suspend the registration of the other person in order that continued practice by the other person does not constitute a danger to the public.
- (4) Subject to the registrar's approval, the other person, if ordered under this section to cease or restrict practice as a registrant of the college, may employ another registrant of the college to carry on the practice.

Duty to report sexual misconduct

- 32.4** (1) If a registrant has reasonable and probable grounds to believe that another registrant has engaged in sexual misconduct, the registrant must report the circumstances in writing to the registrar of the other registrant's college.
- (2) Despite subsection (1), if a registrant's belief concerning sexual misconduct is based on information given in writing, or stated, by the registrant's patient, the registrant must obtain, before making the report, the consent of
- (a) the patient, or
 - (b) a parent, guardian or committee of the patient, if the patient is not competent to consent to treatment.

Immunity

- 32.5** No action for damages lies or may be brought against a person for making a report in good faith as required under section 32.2, 32.3 or 32.4.

Investigations by inquiry committee

- 33** (1) If a complaint is delivered to the inquiry committee by the registrar under section 32 (2), the inquiry committee must investigate the matter raised by the complainant as soon as possible.
- (2) If a registrant fails to authorize a criminal record check under the *Criminal Records Review Act* or the deputy registrar under that Act has determined that the registrant presents a risk of physical or sexual abuse to children and that determination has not been overturned by the registrar under that Act, the inquiry committee must take the failure or the determination into account, investigate the matter and decide whether to set limits or conditions on the practice of the registrant or whether to suspend or cancel the registration of the registrant.
- (3) An applicant or a registrant against whom action has been taken under subsection (2) or section 20 (3) may appeal the decision to the Supreme Court and, for those purposes, the provisions of section 40 respecting an appeal from a decision of the discipline committee apply to an appeal under this section.
- (4) The inquiry committee may, on its own motion, investigate a registrant regarding any of the following matters:
- (a) a contravention of this Act, the regulations or the bylaws;
 - (a.1) a conviction for an indictable offence;
 - (b) a failure to comply with a limit or condition imposed under this Act, the regulations or the bylaws;
 - (c) professional misconduct;

- (c.1) unprofessional conduct or unethical conduct;
 - (d) competence to practice the designated health profession;
 - (e) a physical or mental ailment, an emotional disturbance or an addiction to alcohol or drugs that impairs his or her ability to practice the designated health profession.
- (4.1) The inquiry committee must not act under subsection (6) (b), (c) or (d) on the basis of subsection (4) (a.1) if the inquiry committee is satisfied that the nature of the offence or the circumstances under which it was committed do not give rise to concerns about the registrant's competence or fitness to practice the designated health profession.
- (5) The inquiry committee must request the registrant who is the subject of an investigation under this section to provide it with any information regarding the matter that the registrant believes should be considered by the inquiry committee.
- (6) After considering any information provided by the registrant, the inquiry committee may
- (a) take no further action if the inquiry committee is of the view that the matter is trivial, frivolous, vexatious or made in bad faith or that the conduct or competence to which the matter relates is satisfactory,
 - (b) in the case of an investigation respecting a complaint, take any action it considers appropriate to resolve the matter between the complainant and the registrant,
 - (c) act under section 36, or
 - (d) direct the registrar to issue a citation under section 37.
- (7) If the inquiry committee acts under subsection (6) (b) to (d), it may award costs to the college against the registrant, based on the tariff of costs established under section 19 (1) (v.1).

Report and review

- 34** (1) If the inquiry committee decides under section 33 (6) (a), or the registrar decides under section 32 (3) (a) or (b), to take no further action in an investigation, they must
- (a) report to the board the results of the investigation, and
 - (b) if the investigation resulted from a complaint, notify the complainant of its decision and provide to the complainant the conclusions drawn in the investigation respecting the matters alleged in the complaint.
- (2) A complainant who is dissatisfied with the decision referred to in subsection (1) may request the board to review that decision.
- (3) A request for review under subsection (2) must be made within 14 days of the day the complainant receives notice under subsection (1) (b).
- (4) After receiving the inquiry committee's report or after conducting a review that was requested under subsection (2), the board must
- (a) confirm the inquiry committee's decision,
 - (b) direct the inquiry committee to act under section 33 (6),
 - (c) direct the inquiry committee to act under section 36, or
 - (d) direct the registrar to issue a citation under section 37.

Extraordinary action to protect public

- 35** (1) If the inquiry committee considers the action necessary to protect the public during the investigation of a registrant or pending a hearing of the discipline committee, it may

- (a) set limits or conditions on the practice of the designated health profession by the registrant, or
- (b) suspend the registration of the registrant.
- (2) If the inquiry committee acts under subsection (1), it must notify the registrant in writing of its decision, of the reasons for the decision and of the registrant's right to appeal that decision to the Supreme Court.
- (3) A decision under subsection (1) is not effective until the earlier of
 - (a) the time the registrant receives the notice under subsection (2), and
 - (b) 3 days after the notice is mailed to the registrant at the last address for the registrant recorded in the register of the college.
- (4) If the inquiry committee determines that action taken under subsection (1) is no longer necessary to protect the public, it must cancel the limits, conditions or suspension and must notify the registrant in writing of the cancellation as soon as possible.
- (5) A registrant against whom action has been taken under subsection (1) may appeal the decision to the Supreme Court and, for those purposes, the provisions of section 40 respecting an appeal from a decision of the discipline committee apply to an appeal under this section.

Reprimand or remedial action by consent

- 36** (1) In relation to a matter investigated under section 33, the inquiry committee may request in writing that the registrant do one or more of the following:
- (a) undertake not to repeat the conduct to which the matter relates;
 - (b) undertake to take educational courses specified by the inquiry committee;
 - (c) consent to a reprimand;
 - (d) undertake or consent to any other action specified by the inquiry committee.
- (1.1) If requested by the complainant and if a consent or undertaking given under subsection (1) relates to the complaint made by the complainant, the inquiry committee must deliver a written summary of the consent or undertaking to the complainant.
- (2) If a registrant refuses to give an undertaking or consent requested under subsection (1), or if a registrant fails to comply with an undertaking or consent given in response to a request under subsection (1), the inquiry committee may direct the registrar to issue a citation for a hearing by the discipline committee regarding the matter.

Citation for hearing by discipline committee

- 37** (1) If directed by the inquiry committee or the board, the registrar must issue a citation that
- (a) names the affected registrant as respondent,
 - (b) describes the nature of the complaint or other matter that is to be the subject of the hearing,
 - (c) specifies the date, time and place of the hearing, and
 - (d) advises the respondent that the discipline committee is entitled to proceed with the hearing in his or her absence.
- (2) The registrar must have a citation either delivered to the respondent by personal service or sent by registered mail to the respondent at the last address for the respondent recorded in the register referred to in section 21 (2) not fewer than 30 days before the date of the hearing.

- (3) If the subject matter of a citation is a complaint, the registrar must notify the complainant in writing of the date, time and place of the hearing not fewer than 14 days before the date of the hearing.
- (4) The inquiry committee or the board may direct the registrar to cancel a citation that has been issued on its direction if the inquiry committee or board afterwards determines that a hearing by the discipline committee is not required and the registrar must then cancel the citation and notify the respondent and the complainant, if any, of the cancellation.

Consent orders

- 37.1** (1) The registrant may give the inquiry committee a written proposal at any time before the commencement of a hearing under section 38
- (a) admitting the nature of the complaint or other matter that is to be the subject of the hearing,
 - (b) consenting to the making of an order under section 39 (2) or (8) as set out in the proposal,
 - (c) consenting to indemnify the college for the investigation under section 33 in an amount not to exceed the costs for the inquiry calculated under the tariff of costs established under section 19 (1) (v.1), and
 - (d) if the registrant gives the proposal to the inquiry committee less than 7 days before the hearing is scheduled to commence, consenting to indemnify the college for preparing for the hearing in an amount not to exceed the costs of preparing for the hearing calculated under the tariff of costs established under section 19 (1) (w.1).
- (2) The inquiry committee may accept or reject a proposal received under subsection (1) based on the investigations described in section 33 respecting the complaint.
 - (3) If the inquiry committee accepts a proposal received under subsection (1),
 - (a) an order under section 39 is deemed to be made as set out in the proposal,
 - (b) section 39 (3) applies to the order under paragraph (a) as though it had been made by the discipline committee, and
 - (c) section 38 does not apply to the citation.
 - (4) If the inquiry committee rejects a proposal received under subsection (1),
 - (a) a hearing of the citation must proceed as though the proposal had not been made, and
 - (b) the discipline committee must not consider the admission described in subsection (1) (a) or the consent described in subsection (1) (b) in determining the matter or in making an order under section 39.
 - (5) If the hearing under section 38 has commenced
 - (a) the registrant may give to the inquiry committee a written proposal
 - (i) described in subsection (1) (a) to (c), and
 - (ii) consenting to indemnify the college for preparing for and conducting the hearing in an amount not to exceed the costs of preparing for and conducting the hearing calculated under the tariff of costs established under section 19 (1) (w.1), and
 - (b) the inquiry committee may accept or reject the proposal in its discretion.
 - (6) If the inquiry committee accepts a proposal under subsection (5) it must make an order under section 39 as set out in the proposal.
 - (7) Subsection (4) applies if the inquiry committee rejects a proposal received under subsection (5).

Discipline committee hearing

- 38** (1) The discipline committee must hear and determine a matter set for hearing by citation issued under section 37.
- (2) The respondent and the college may appear as parties and with legal counsel at a hearing of the discipline committee.
- (2.1) A complainant may be represented by legal counsel, at the complainant's cost, when the complainant is giving evidence at a hearing of the discipline committee.
- (3) A hearing of the discipline committee must be in public unless
- (a) the complainant, the respondent or a witness requests the discipline committee to hold all or any part of the hearing in private, and
 - (b) the discipline committee is satisfied that holding all or any part of the hearing in private would be appropriate in the circumstances.
- (4) At a hearing of the discipline committee,
- (a) the testimony of witnesses must be taken on oath, which may be administered by any member of the discipline committee, and
 - (b) the college and the respondent have the right to cross examine witnesses and to call evidence in reply.
- (4.1) Subject to subsection (4.2), evidence is not admissible at a hearing of the discipline committee unless, at least 14 days before the hearing, the party intending to introduce the evidence provides the other party with
- (a) in the case of documentary evidence, an opportunity to inspect the document,
 - (b) in the case of expert testimony,
 - (i) the name and qualifications of the expert,
 - (ii) a copy of any written report the expert has prepared respecting the matter, and
 - (iii) a written summary of the evidence the expert will present at the hearing if the expert did not prepare a written report in respect of the matter, and
 - (c) in the case of testimony of a witness who is not an expert, the name of that witness and an outline of their anticipated evidence.
- (4.2) The discipline committee may
- (a) grant an adjournment of a hearing,
 - (b) allow the introduction of evidence that is not admissible under subsection (4.1), or
 - (c) make any other direction it considers appropriate if the discipline committee is satisfied that this is necessary to ensure that the legitimate interests of a party will not be unduly prejudiced.
- (5) If the respondent does not attend, the discipline committee may
- (a) proceed with the hearing in the respondent's absence on proof of receipt of the citation by the respondent, and
 - (b) without further notice to the respondent, take any action that it is authorized to take under this Act, the regulations or the bylaws.
- (6) The discipline committee may order a person to attend at a hearing to give evidence and to produce records in the possession of or under the control of the person.
- (7) On application by the discipline committee to the Supreme Court, a person who fails to attend or to produce records as required by an order under subsection (6) is liable to be committed for contempt as if he or she were in breach of an order or judgment of the Supreme Court.

- (8) If the discipline committee considers the action necessary to protect the public between the time a hearing is commenced and the time it makes an order under section 39 (1), the discipline committee may set limits or conditions on the practice of the designated health profession by the registrant or may suspend the registration of the registrant and, for those purposes, section 35 applies.

Action by discipline committee

- 39** (1) On completion of a hearing, the discipline committee may dismiss the matter or determine that the respondent
 - (a) has not complied with this Act, a regulation or a bylaw,
 - (b) has not complied with a standard, limit or condition imposed by this Act, a regulation or a bylaw,
 - (c) has committed professional misconduct or unprofessional conduct,
 - (d) has incompetently practiced the designated health profession, or
 - (e) suffers from a physical or mental ailment, an emotional disturbance or an addiction to alcohol or drugs that impairs their ability to practice the designated health profession.
- (2) If a determination is made under subsection (1), the discipline committee may, by order, do one or more of the following:
 - (a) reprimand the respondent;
 - (b) impose limits or conditions on the respondent's practice of the designated health profession;
 - (c) suspend the respondent's registration;
 - (d) subject to the bylaws, impose limits or conditions on the management of the respondent's practice during the suspension;
 - (e) cancel the respondent's registration;
 - (f) fine the respondent in an amount not exceeding the maximum fine established under section 19 (1) (w).
- (3) An order of the discipline committee under subsection (2) must
 - (a) be in writing,
 - (b) include reasons for the order, and
 - (c) be delivered to the respondent and to the complainant, if any.
- (4) If the discipline committee dismisses the matter under subsection (1) on the basis that the matter was without merit, it may award costs to the respondent against the college, based on the tariff of costs established under section 19 (1) (w.1).
- (5) If the discipline committee acts under subsection (2), it may award costs to the college against the respondent, based on the tariff of costs established under section 19 (1) (w.1).
- (6) Costs awarded under subsection (4) must not exceed, in total, 50% of the actual costs to the respondent for legal representation for the purposes of the investigation under section 33 and the hearing.
- (7) Costs awarded under subsection (5) must not exceed, in total, 50% of the actual costs to the college for legal representation for the purposes of the hearing.
- (8) If the registration of the respondent is suspended or cancelled under subsection (2), the discipline committee may
 - (a) impose conditions on the lifting of the suspension or the eligibility to apply for reinstatement of registration,

- (b) direct that the lifting of the suspension or the eligibility to apply for reinstatement of registration will occur on
 - (i) a date specified in the order, or
 - (ii) the date the discipline committee or the board determines that the respondent has complied with the conditions imposed under paragraph (a), and
 - (c) impose conditions on the respondent's practice of the designated health profession that apply after the lifting of the suspension or the reinstatement of registration.
- (9) If an order under subsection (2) is appealed under section 40 within 30 days after it is made, the discipline committee, on application of the respondent under this section, may
- (a) stay the order pending the hearing of the appeal, and
 - (b) set terms and conditions on the practice of the designated health profession by the respondent during the stay.

Appeal of discipline committee decision to Supreme Court

- 40** (1) A college or respondent described in section 38 (2) aggrieved or adversely affected by an order of the discipline committee under section 39 may appeal or the board may appeal the order to the Supreme Court.
- (2) An appeal under this section must be commenced within 30 days after the date of the decision.
- (3) An appeal under this section must be an originating application commenced by filing a petition in any registry of the Supreme Court, and the Rules of Court respecting originating applications apply to the appeal but Rule 49 does not apply.
- (4) The petition commencing an appeal under this section must be served on the college, effected by service on the registrar, within 14 days of its filing in the court registry.
- (5) The petition commencing an appeal under this section must also be served on the parties to the discipline committee proceeding in which the order being appealed was made and, if the matter relates to a complaint, on the complainant.
- (6) The persons required to be served under subsection (4) or (5), other than the complainant, may be parties to an appeal under subsection (1).
- (7) On request by a party to an appeal under subsection (1) and on payment by the party of any disbursements and expenses in connection with the request, the registrar must provide that party with copies of part or all, as requested, of the record of the proceeding before the discipline committee.
- (8) An appeal under subsection (1) must be a review on the record unless the court is satisfied that a new hearing or the admission of further evidence is necessary in the interests of justice.
- (9) On the hearing of an appeal under this section, the court may
- (a) confirm, vary or reverse the decision of the discipline committee,
 - (b) refer the matter back to the discipline committee, with or without directions, or
 - (c) make any other order it considers appropriate in the circumstances.
- (10) A decision of the Supreme Court on an appeal under subsection (1) may be appealed to the Court of Appeal if leave to appeal is granted by a justice of the Court of Appeal.